

**Notice of Allowability**

Application No.

10/696,902

Examiner

PAWANDEEP DHINGRA

Applicant(s)

RODRIGUEZ ET AL.

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/23/2011.
2. ☒ The allowed claim(s) is/are 1-10, 13-17 and 20-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material        | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other ____.  |

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1; claim 1, line 10, "a microprocessor connected to....independent of whether said module has been replaced, ~~to determine if~~ determining that the software upgrade is appropriate for installation ~~and if an upgrade is appropriate~~ upon determining that the software upgrade is available, then automatically install...., report any faults, contact service personnel if when the ~~upgrades~~ upgrade is not successfully completed..."

Claim 9: line 16, "reporting any fault occurring during the upgrade to an apparatus operator; placing a service call to a field engineer if the upgrade is unsuccessful; and ..."

Claim 16: line 20, "reporting any fault occurring during the upgrade to an apparatus operator; placing a service call to a field engineer if the upgrade is unsuccessful; and ..."

Authorization for this examiner's amendment was given in a telephone interview with attorney Patrick R. Roche, Reg. No. 29,580 on June 3, 2011.

***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance:

The invention is directed to replaceable modules of a printing apparatus, and particularly to the monitoring of software upgrades and software status of such printing apparatus that employ such replaceable modules.

Claims 1, 9 and 16 identify the uniquely distinct features of "automatically install the software upgrade into the printing apparatus...by causing said printing apparatus to idle,..., monitor progress of the upgrade, report any faults, contact service personnel when the upgrade is not successfully completed, and return the printing apparatus to normal operation when the software upgrade is complete so that the software upgrade for the printing apparatus is inhibited from being repeated" (claim 1); "automatically installing the software code into the printing apparatus by the processor element in the replaceable module so that a field engineer or other individual need not perform the software upgrade for the printing apparatus; monitoring the progress of the software upgrade; reporting any fault occurring during the upgrade to an apparatus operator; placing a service call to a field engineer if the upgrade is unsuccessful; and returning the printing apparatus to normal operating mode when the software upgrade is complete" (claim 9); "automatically scheduling as determined by the processor element...; monitoring the progress of the software upgrade; reporting any fault occurring during the upgrade to an apparatus operator; placing a service call to a field engineer if the upgrade is unsuccessful; and returning the printing apparatus to normal operating mode when the software upgrade is complete" (claim 16). The closest prior

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arts, Richards, US 6,532,351; Turnbull, US 7,146, 412; Hara, US 2004/0045000 and McIntyre, US 2003/0063305 teach a replaceable module for a printing apparatus with programmable software controls, the module comprising: an internal memory, a communications interface and a microprocessor. Either singularly or in combination with other cited references fails to anticipate or render the above underlined limitations obvious.

The prior arts teach a microprocessor comparing currently installed software with available software upgrades, to determine that the software upgrade is appropriate for installation and then scheduling and installing the software upgrade into the printing apparatus but fail to teach automatically schedule and install the software upgrade into the printing apparatus...by causing said printing apparatus to idle,..., monitor progress of the upgrade, report any faults, contact service personnel when the upgrade is not successfully completed, and return the printing apparatus to normal operation when the software upgrade is complete so that the software upgrade for the printing apparatus is inhibited from being repeated.

The meaning of the sentences "automatically install the software upgrade into the printing apparatus...by causing said printing apparatus to idle,..., monitor progress of the upgrade, report any faults, contact service personnel when the upgrade is not successfully completed, and return the printing apparatus to normal operation when the software upgrade is complete so that the software upgrade for the printing apparatus is inhibited from being repeated; reporting any fault occurring during the upgrade to an apparatus operator; placing a service call to a field engineer if the upgrade is

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unsuccessful; automatically scheduling as determined by the processor element” is demonstrated in applicant’s drawings (figures 8-9), and specification.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./

Examiner, Art Unit 2625

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625